

CHAPTER 53
RENT SUBSIDY PROGRAM

PREAMBLE

This chapter defines and structures the rent subsidy program for persons moving from an ICF/MR who are eligible for the Home- and Community-Based Service Waiver program for persons with mental retardation (HCBS MR). This program is designed to provide rent assistance to these persons to help them live successfully in their own home and community. An eligible person may receive assistance in meeting rental expense and, in the initial two months of eligibility, in purchasing necessary household furnishings and supplies.

441—53.1(77GA,HF715) Definitions.

“*Adult*” means a person with mental retardation aged 18 or over.

“*Department*” means the Iowa department of human services.

“*Division*” means the division of mental health and developmental disabilities of the department of human services.

“*Intermediate care facility for the mentally retarded (ICF/MR)*” means an institution that is primarily for the diagnosis, treatment, or rehabilitation of persons who are mentally retarded and provides, in a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination and integration of health or related services to help each individual function at the greatest ability and is an approved Medicaid vendor.

441—53.2(77GA,HF715) Eligibility requirements. All of the following criteria shall be met.

53.2(1) *HCBS MR recipient.* The person shall be an adult recipient of the home- and community-based services for persons with mental retardation (HCBS MR) waiver program as established at 441—Chapter 83, Division IV.

53.2(2) *Consumer of supported community living services.* The person shall be a consumer of HCBS MR supported community living services.

53.2(3) *Discharged from ICF/MR.* The person shall have been discharged from an intermediate care facility for the mentally retarded (ICF/MR) on or after July 1, 1996, and immediately prior to receiving HCBS MR services.

53.2(4) *Ineligible for other rent subsidies.* The person shall have been determined ineligible or on the waiting list for rent subsidy programs under the U.S. Department of Housing and Urban Development (HUD) or any other available rent subsidy programs.

53.2(5) *Responsible for rent.* The person shall be financially responsible for rent or housing costs.

441—53.3(77GA,HF715) Application. Applications for the rent subsidy program may be obtained at the county office of the department in the county in which the applicant resides. Applications shall be submitted to the Department of Human Services, Division of Mental Health and Developmental Disabilities, Hoover State Office Building, Des Moines, Iowa 50319-0114.

53.3(1) Application process. A person who wishes to apply shall complete Form 470-3302, Application for HCBS MR Rent Subsidy and Household Assistance, and provide verification of the following:

- a. The person's taxable income for the previous calendar year and estimated monthly income for the 12 months following application.
- b. The amount of the person's rent payment.
- c. The amount of assistance needed for purchase of needed household furnishings and supplies.

53.3(2) Date of application. The date of the application shall be the date the application and verification of income are received by the division.

53.3(3) Eligibility determination. The person or the person's legal guardian shall be notified within 15 working days of the date of application of the department's eligibility determination. The notice shall state the date payments shall begin, the amount of monthly payments and, if different, the amount of the first two payments.

53.3(4) Waiting list. After funds appropriated for this purpose are obligated, pending applications shall be denied by the division.

a. A denial shall require a notice of decision to be mailed within 15 working days. The notice shall state that the applicant meets eligibility requirements but no funds are available and that the applicant shall be placed on the waiting list, or that the applicant does not meet eligibility requirements.

b. Applicants not awarded funding who meet the eligibility requirements shall be placed on a statewide waiting list according to the order in which the completed applications and verification were received by the division. In the event that more than one application is received at one time, the person shall be entered on the waiting list on the basis of the day of the month of the person's birthday, lowest number being first on the waiting list. Any subsequent tie shall be decided by the month of birth, January being month one and the lowest number.

c. When funding allows additional persons to be added to the rent subsidy program, they shall be taken from the statewide waiting list, and their eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to these persons for completion and returned to the division within timelines specified by the department. If the signed application and verification of continuing eligibility are not received by the timeline specified by the department, the person's name shall be dropped from consideration for receipt of the rent subsidy payment.

441—53.4(77GA, HF715) Amount of rent subsidy.

53.4(1) Use of subsidy. Except as provided in subrule 53.4(3), assistance shall be used for rental expense.

53.4(2) Maximum monthly payment for rent. Assistance for rent shall be equal to the rent paid, not to exceed the maximum prevailing fair market rent under guidelines of the applicable United States Department of Housing and Urban Development (HUD) low-rent housing program in the area where the person's residence is located, less 30 percent of the gross income of the individual consumer. The fair market rent used shall be that for a one bedroom or a proportionate share of rental costs in living units containing more than one bedroom.

53.4(3) Assistance with other purchases. Assistance may be given in the initial two months of eligibility for purchases necessary for household furnishings and supplies. The maximum available for household furnishings and supplies shall be \$500. This shall be a one-time payment. The maximum amount shall be available to all eligible persons, including those who may have entered this program prior to the time this maximum amount took effect. In these cases, payments may be made retroactively to persons to reconcile the differences.

53.4(4) Monthly payment. Consumers approved for rent subsidy payments shall receive an ongoing monthly payment which is equal to the amount determined pursuant to subrule 53.4(2). An approved subsidy shall be payable as of the first of the month following approval. The initial payment will also include any approved payments for prior months.

441—53.5(77GA,HF715) Redetermination of eligibility.

53.5(1) Time of completion. A redetermination of eligibility for rent subsidy payments shall be completed:

- a. At least once every 12 months.
- b. When a change in circumstances occurs that affects eligibility in accordance with rule 441—53.2(77GA,HF715).
- c. If the person moves from the residence stated on Form 470-3302.
- d. When there is a change in income.

53.5(2) Review packet. The division shall send a review packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 60 calendar days prior to the deadline date for annual redetermination of eligibility. The completed Form 470-3302, Application for HCBS MR Rent Subsidy and Household Assistance, and required verification materials shall be submitted annually to the Department of Human Services, Division of Mental Health and Developmental Disabilities, Hoover State Office Building, Des Moines, Iowa 50319-0114. If the signed application and verification of continuing eligibility are not received by the division by the thirtieth day following the date the review packet is sent, the person's subsidy shall be terminated.

441—53.6(77GA,HF715) Termination of rent subsidy payments.

53.6(1) Reasons for termination. The rent subsidy shall terminate at the end of the month in which any of the following occur and a notice shall be sent which states the reason for the termination:

- a. The person does not meet one or more of the eligibility criteria listed in rule 441—53.2(77GA,HF715).
- b. The person dies.
- c. Completion of the required documentation is not received.
- d. No further funds are available for the rent subsidy program.

53.6(2) Reporting of changes. The person is required to report to the division within ten working days any changes which may affect eligibility. Failure to do so may result in responsibility for repayment of funds and termination of the subsidy. (See rule 441—53.7(77GA,HF715).)

53.6(3) Insufficient funding. If funds are not sufficient to cover payments for all persons on the subsidy, persons shall be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last person to be added to the subsidy being the first person to be removed. The person terminated shall move back to the waiting list with the person's original application date dictating the person's position on the waiting list as stated at subrule 53.3(4). The division is responsible for notifying the persons who will be removed from the subsidy for this reason.

441—53.7(77GA,HF715) Fraudulent practices relating to the rent subsidy program. A person is guilty of a fraudulent practice if that person with the intent to gain financial assistance to which that person is not eligible, knowingly makes or causes to be made a false statement or representation or knowingly fails to report to an employee of the department any change in circumstances affecting that person's eligibility for financial assistance. In cases of found fraudulent practices, the department may require repayment of the amount that was received by the recipient while ineligible as a condition of continued participation in the rent subsidy program.

441—53.8(77GA,HF715) Appeals. The applicant or recipient may appeal a denial of an application or termination of the subsidy payment pursuant to 441—Chapter 7.

These rules are intended to implement Iowa Code section 217.6 and 1997 Iowa Acts, House File 715, section 8, subsection 3.

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